

OF
PERJURY.

A
SERMON
Preach'd at the
ASSIZES
HELD AT
CHESTER,

April the 4th. 1682.

By *John Allen*, M. A. Fellow of *Trinity College* in *Cambridge*, and Chaplain to the Lord Bishop of *Chester*.

Totius injustitia nulla capitalior est, quam eorum, qui sum, cum maxime fallunt, id agunt, ut viri boni esse videantur. Tully de Offic. Lib. 1.

L O N D O N,

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A
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Preached on the

ASSIZES

CHESTER

By the Rev. John ...

... ..

... ..

TO THE
RIGHT WORSHIPFUL
Sir Robert Leycester Baronet, Foreman ;
AND
The rest of the Worthy and Loyal
Gentlemen of the Grand Jury, for the
Assizes lately held at Chester.

Gentlemen,

THe Preaching of this Sermon was undertaken at the request of the High Sheriff, an Honest, True-hearted and Loyal Gentleman, an Ancient and Faithful Servant to His Majesty : But the Printing of it was extorted by Your importunity : You have thrust me into the World perfectly against my humour and inclination ; and You have thereby expos'd me to the exceptions and censures of this captious Age, of peevish, ill-natur'd, and ill-affected Persons : To You therefore I flee for shelter ; Your Protection I claim, on Your judgements I have relyed : You are bound in Honour and Justice to excuse the Faults of this Discourse ; to vindicate the Truths, to justify the Doctrine, and to abhor the Perjuries herein mention'd.

I have some encouragement to hope, that the Sermon will please the honest, the Faithful and the Loyal, be-
cause

The Epistle Dedicatory.

cause it pleases you, who are eminently such; that it may be in some degree useful and seasonable for these Times, because You think so: And if it chance to be carp't and cavell'd at by the Factionous and the Seditious; by false Witnesses, and corrupt Jurors, by the Old Covenanters, or New Associators, as being peculiarly levell'd against their Designs and Practises; Yet however we need not fear, we have this advantage upon them, that whoever rail, or even mutter against us, do thereby confess their own guilt; and so their Credit is crack't, and their Testimony becomes invalid; Their Tongues are no Slander, their ill-words are no Disparagement; no more, than their good ones can be a Commendation.

My Design in Preaching, and Yours in Publishing this Discourse, I dare confidently say, were both the same; To Convince the Guilty, and make them truly sensible of their Sin and Danger, in order to their Repentance: And to fix and 'stablish the slippery and wavering Tempers of those, who are apt to be drawn in by great Examples, or specious Pretences, or the Prospect of temporal Advantages.

That our joynt Endeavours may prove, by God's blessing, useful and instrumental to these great and good Ends, shall be the hearty Prayer of,

Gentlemen,

Your most Obedient, and
most Humble Servant

John Allen.

I

Of Perjury,
A
SERMON
Preach'd at the
ASSIZES
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Leviticus XIX. 12.

And ye shall not swear by my Name falsely.—

I Have made choice of these words, as a subject both
suitable to this solemn *Occasion* and seasonable for
the *Times*: The times are notoriously pester'd,
disturb'd and endanger'd by the variety and fre-
quency of *Perjury*; and upon *this* account the *Occasion*
may seem to require a serious and plain Discourse, that,
by God's blessing, may prove serviceable, and useful,
B to

to advise and admonish All that are concern'd, so to discharge their duty to *God*, to their *King* and *Country*, that not the least blemish or tincture of this sin may defile their Consciences, or disparage their proceedings.

I had intended to have giv'n an account (by way of Preface) of the *Nature, Kinds, End* or *Usefulness, Lawfulness* and *Obligation of Oaths*, together with the most usual *Forms* and *Ceremonies* of solemn Swearing, Ancient and Modern; but am forc'd to wave all that, by reason of the largeness and copiousness of my subject. My design is to discourse of the sin of Perjury, and to give you a full account of it in this method.

1. I shall shew what Perjury is, and how many ways it is committed.

2. The heinousness and aggravations of it.

3. What are the usual occasions of, inducements and temptations to this sin.

4. And lastly. The punishments of it by the Laws of God and Man.

1. Perjury (as the Text tells us) is a Swearing by God's Name falsely : as *Philo* describes it, *μαρτυρεα καλειν ενι ψεδσει Θεον*, a calling God to witness for the Confirmation of a Lye : And is committed these several ways.

1. When Men do assert and testify upon Oath, a thing to be *true*, which they know to be *false*; when they swear, That they saw, or heard such or such things done or spoken, which their own Consciences tell 'em, they did not.

2. When Men do assert and testify upon Oath, a thing to be true, of the truth of which they are not fully assured : Nay though the thing should be true; yet being it is more then they knew, they are however guilty of Perjury; because they call God to witness, and appeal to.

to him for the attestation of that as certainly true, which, for ought they know, may be utterly false.

To these we may add, that when Men declare upon Oath, *this* or *that* to be their judgment, and the sense of their minds, which really is not so ; or which is grounded on bare suspicions or fond wishes ; or which proceeds not from full conviction, but from partial and by-respects, This is also Perjury.

So then, if Witnesses sworn to testify the *Truth*, the *whole Truth*, and *nothing but the Truth*, do depose falsities, do conceal, and suppress, the most material Evidence ; do improve and enlarge their testimony with the additions of their own fancies, and inventions, They are plainly perjur'd.

So likewise, when Men sworn to enquire, and inform the Courts of Justice, do not *find Bills* according to fair, full and legal Evidence, against some sorts of persons, out of love, fear, favour and affection, or hope of reward : Or do find 'em against others, out of envy, hatred, malice, &c. If Men, from the fore-named motives, do acquit the Guilty, or condemn the Innocent : This is Perjury in the Jurors, in God's account, in his sight, according to *his* Laws, though possibly the Laws of the Realm may take no Cognizance, or hold of them.

These things I mention, and desire All, that are, or may be concern'd, to consider seriously, and to be sensible of their danger ; and that, because such miscarriages do happen sometimes to the scandal of Religion, to the reproach of our Nation, to the obstruction of Justice, and the perversion of our good Laws : And because Mens passions, and prejudices, and interests do so frequently tincture their judgments, and bias their wills, that it is a very hard thing for some Men to be *Witnesses*, and not be *Parties* too ; they are insensibly, and

yet powerfully suborn'd, to give in their Evidence, with more or less weight, according to their inclination or aversion to a person, to a Party, or a Cause: And it is not to be deny'd, that *Jurors* also may be in danger to abuse their trust and assume a liberty to admit or reject what they please of the Evidence; to believe whatever is depos'd in some cases, and in others just nothing at all: Nay to interpret the Laws in favour of the offenders, and declare it against Law, to put the Laws in execution.

3. They that promise upon Oath, what they intend not to perform; or are unresolv'd and indifferent, whether they shall perform it, or not; These are *ipso facto* guilty of *Perjury*: because they swear by God's Name falsely; they call God to witness, and to vouch for the truth, and sincerity of their promise, when the intention of their minds does not concur with the words of their mouths: Now although it be the Prerogative of the searcher of hearts, to know Mens thoughts; yet, in some cases, it is not impossible, no nor difficult for us, to pass a right judgment upon some Mens very intentions; we may *know them by their fruits*, their words, and their actions, do abundantly expose and discover the treachery of their minds: It is not so easily forgotten, as it was forgiven, that a *Rebellion* was begun by Men, who at the same time promis'd, and swore, and *Covenanted* to preserve and defend the *King's person*, and *Authority*: And if we observe now (as who can choose?) the *Behaviour*, the *Discourses*, the *Practises* of those yet remaining, and *Surviving Politicians*, and of their too forward *Pupils* also; we shall find it an hard task to judge favourably of them, and to reconcile their *suspicious carriage*, with their *Loyal Oaths*. And we cannot but take notice, that several Men for their advantage, or in order to conceal, as yet, their Trayterous,
and

and Unripe designs, will not refuse any Test, or Oath requir'd by the Law, to express, and make a shew of their Loyalty; though God and their own Souls can witness, and their actions declare, that they had much rather let them alone, and don't intend to be obliged by them: Men that will come to the *Sacrament* once or twice in their lives, in a *Civil way*, that is, upon entering on some Office, some gainful or honourable employment, but scarce ever come near the Church, either before or after: And will take the Oaths of *Allegiance*, and *Supremacy*, rather than forgo any temporal advantage, or be disabled for service; but make no Conscience to break 'em, when 'tis more for their interest.

4. They also are guilty of *Perjury*, that having promis'd upon Oath sincerely, and with an honest intention, do yet afterwards *fall off*, and *renounce the obligation*, do not faithfully, and resolutely endeavour, and take care to *fullfill their word*, do *act contrary* to their Oath, when a just occasion requires, and calls for the performance of their promise, or sworn duty. I use *all these* expressions, that I may reach to most or All cases of this nature: And this is call'd properly *ἑτερολογεῖν* (says *Chrysippus* the Philosopher) that is, to swear falsely, *Ap. Stob. c. 28.* so as that our *actions* do not answer to our *words*, as the former was *ἑτερολογεῖν*, when our *words* do not agree with our *hearts* and *minds*: And accordingly he tells us, that at the instant of taking (or rather giving) a promissory Oath, a Man cannot be said properly, either *ὀμοσεῖν* or *ἑτερολογεῖν*, because, as it respects the future, a Man cannot be known to have sworn truly, or falsely, till the time of fullfilling his promise does discover his faithfulness, or falshood: But this Critical nicety will not hold: for if a Man having confirm'd his promise by an Oath, and that sincerely, and with intention to keep

keep it (for instance, to pay a sum of Money upon a set day) shall in the intermediate time contrive to evade the obligation, and to break his word, you cannot but think, that he is really guilty of Perjury ; and that too, though he should not be able effectually to shirk, and avoid the payment at the appointed time. But however there can be no dispute, no use of this distinction, as to the breach of those promissory Oaths, that are taken to *re-inforce* a known, and *antecedent duty* ; or those, whose obligation does take place, and lay hold upon our Consciences, *at*, and *from the very moment* of swearing : For they that do not continue in that honest, and faithful intention, in which they took their Oaths ; they that have no mind to be oblig'd any longer by them, are contriving how to break them to the best advantage, are seeking excuses, and evasions to palliate their perfidiousness : These Men are guilty of Perjury, nay though (for want of opportunity and power) they proceed no further ; because having *bound their Souls with a bond*, having sworn by the *help of God*, and by the *Contents* of the *Gospel*, to perform their promise, having call'd in God to be Surety for them, and (as it were) bound with them ; They do yet, as much, as in them lyes, as far as they dare for fear of the Laws, and Civil punishments, without any respect, or regard to Conscience, and the fear of God, disengage themselves from the obligation of their Oaths.

Numb. 30. 2.

5. They are involv'd in the guilt of Perjury, who against, or without the consent of the Supreme Power, do frame, and impose upon others, or take themselves *new* Oaths, contrary to, and destructive of their former obligations. This is a ticklish point, as the times go, and therefore I shall explain and confirm it the more largely and carefully. I must tell you then, that an Oath can re-inforce a former ; or induce a new obligation

tion, where there was none before; but cannot destroy an antecedent one; or super-induce another repugnant to it; and one main reason hereof is this, because by every such obligation, a *right* does accrue to another; to *Him*, to whom the promise is made; and we become thereby indebted to *Him*, and bound in Conscience; and He hath a Right and Lawful power to challenge, and demand of us, as a duty, the just performance of it: and therefore it is most unreasonable, and unequal, most injurious and unjust, that *his right* should be infring'd by any *act* of ours, without his *leave* and *release* first obtain'd.

I must further tell you, that we are bound in Conscience to be subject to all our *Superiours* according to the nature, quality and extent of their dominion over us: And consequently to the *Supreme* or *Sovereign* in all things, not counter-manded by *His* only *Superiour* the *King* of Heaven; which duty and obligation of ours, a subsequent Oath taken *against* or *without* his consent, can by no means disannul and cancel. All which is prov'd from *Numb.* 30. at the beginning of the Chapter, where the Rule is thus given: If a Daughter still remaining *in her Fathers House*; or if a Wife do *vow* a *vow* unto the Lord; if the *Father* or *Husband* respectively do *hear* of it, and *hold his peace*, and express no dislike of it, the *Vow shall stand*; but if *Father* or *Husband* do upon notice thereof *disallow* it, then the *Vow* of either of them shall not stand, shall be of *none effect*: God will *forgive* and excuse them, but the obligation shall not take place: And if this be so, then certainly by parity of reason, we may conclude, That no *Subject* hath a right or power to oblige himself by Oath, to the *Prejudice*, and against the *Consent* of the *Sovereign*: And if any Man hath been drawn in, and entangled in such snares, He *must* forthwith disengage him-

himself, and come off, begging *God's* and the *King's* pardon for his folly and rashness; He must remember that he is *pre-engag'd*; He may, and ought to renounce the treacherous Oath, as being illegal, and unable to lay hold on his Conscience.

But this is not all; if the *Matter* of these Oaths be unlawful, if against our plain duty, and our former Oaths and Obligations; then do they certainly involve us in Perjury; and cannot be justified, neither by the *goodness* of the *intention*, nor the *greatness* of some *Mens* *fears*, nor the *piety* of their *pretences*, nor their *Zeal* for *Religion* and the *publick good*: Such are the *Solemn Leagues and Covenants*, *Engagements and Associations*, contriv'd by perfidious *Politicians*, and greedily swallowed by the *Seditious* and the *Schismatick*, by the *Lovers of Change*, the *Male-contents*, the blind and furious *Zelots*, and the *deluded* and *ill-taught party* of the Nation.

-6, And lastly, They are guilty of *Perjury*, who make use of *Tricks* and *Cheats*, and *subtle Artifices*, to evade and elude the obligation of their Oaths; who will not understand the words of an Oath, in their *Affertions*, or *Promises*, according to the plain, genuin, and common acception of them, but by fastning a *secret* Sense of their own, upon some *Ambiguous* terms, or by some *Reserves*, or *Exceptions*, or *Additions* within their minds, do quite alter the meaning of the words, and thereby intend neither to be oblig'd to speak truth, nor perform their promises.

The Romish Casuists are notoriously faulty in this point, they are not asham'd to prescribe Rules of *Æquivocation*, *Mental Evasion*, and *Reservation*; they set down Forms, and propose several Modells, and Examples of them, for the help of *Novices*: they teach their Disciples, *when* and *where*, and upon what *occasions* they may
be

be used ; and undertake to prove, that they are lawful and expedient, and in some cases necessary : And their forward Scholars do easily learn, and are very expert and ready to practise according to their instructions.

But perhaps *They* are not the only *Æquivocators* in the World ; they don't engross the whole Trade to themselves : There are *some True Protestants* towardly enough to imitate the subtleties of the *Jesuit* ; who, when they find they are *cramp't* and *fetter'd* by an Oath, that does *pinch* and *fret* 'em, then have recourse to *Jesuitical* distinctions, to their shifts, *Reserves* and *Evasions* ; they swear first, and then *after vows* they *make enquiry* : they will find or make some creeping hole to escape at ; they will *skrew* and *wrest* and *wind* and *turn* and *torture* the words, till they have made 'em pliant, and yielding to their Sense, and consistent with their *Designs* : They take no care to perform, what they have sworn, but only to for-swear themselves *Ingeniously*, and according to *Art*.

But none of these tricks will exempt *either sort* of 'em from the guilt of this sin ; and that, because an Oath ought to be taken, and kept too, in the most *plain, free, open-hearted* and *ingenuous* way that can be, with all *simplicity* and *sincerity* of mind ; and in *that* Sense of the words, that they *usually* bear, and are *commonly* taken in ; and particularly in *that* Sense, that the *Parties* to whom we swear, they for whose *satisfaction* or *information* we give our *promise* or *testimony*, do, or must be suppos'd to *understand* 'em in.

I will dispatch this particular with this necessary Observation ; That there may be *Æquivocation* in the very *frame* of an Oath, as well as in the minds of deceitful Swearers : Some Oaths both of *former* and *later* date, are so neatly contriv'd, so cunningly worded, and so doubtfully express'd ; are adorn'd and set forth in

2 Sam. 15. 11.

such specious colours; are compos'd and recommended by such *Zelous Reformers*; are gilded over with such glorious pretences, that many easie; and well-meaning people are drawn in, *in their simplicity*, and know not any thing of the main Design, and the Rebellion intended. But when they are once catch't, then shall they be taught, that theirs is a *Sacred Oath*; that they must make a Conscience of *this*, more then *all* their former obligations; then shall they be taught to understand the words in a *larger*, or quite *different* Sense; and so by degrees shall at last come to think, that they are bound in Conscience, and by virtue of their *Oath*, to *destroy* the Prince, whom they promis'd to *preserve*; to *ruine* the Religion, which, to the best of their thinking, they swore to *maintain*; and to commit those outrages, that Murder, and Sacrilege, and Rapine, which they never dream't of, or could perceive in their Religious *Covenant*; but would possibly have abhorr'd the very remote apprehensions of such horrid villanies: That's the First.

2. The Second is the Heinousness of this sin of *Perjury*; and that will appear in general: First, if we consider that there is no sin almost whatever so *odious*, and *infamous* in the judgment of All Mankind, that have any sense of *Religion* and *common honesty*, as *This*: For the Reverence of an Oath is *Natural* to us, and implanted in us; this Sacred, and Solemn Appeal to God, hath been ever held in so great Veneration, both as a part of divine and immediate worship, and as the main support of truth, and faithfulness; that, whoever did presume to violate and profane it, was generally abhorr'd; as a most impious and treacherous Villain: Methinks it makes ones stomach *rise* against him; a Man can't excuse or pity him, can't find in his heart to pray for him, or wish him well. Give

Give me leave, therefore, to expose this *great Sin* in its proper *Colours*, and load it with its due *aggravations*; that so All those, that have seen, how many ways it can be committed, may by a just sense of its horror and heinousness, be admonish'd, and terrify'd from involving themselves in so great guilt.

First then, Perjury is an Affront to God, and to All those glorious Attributes, that shine forth, and display themselves in the Government of the World. He that *forswears* himself, does thereby profane the most Holy, and Reverend Name of God, by making it the instrument of his deceit, and treachery : He appeals to the Searcher of *Hearts* to conceal and countenance his *Hypocrisy* : He calls upon the God of Truth to attest a *Falshood* : He dares his Power, and defies his Justice and Vengeance : He lays his unclean *Hand* upon the *Holy Gospels* ; He *kisses* the *Book* with his deceitful and lying Lips : He invokes the *help of God* to protect and prosper his *Perjury* : He renounces All the *Truths* : He disclaims all the *Promises* : He disregards all the *Curses* contain'd in that Holy Volume.

Other sorts of Sinners are generally more modest, and shame-fac't ; use more respect and good manners to their *Maker*, even when They offend Him : They have commonly an awe, and concern upon them, and strive (though in vain) to conceal themselves from his All-seeing eye, and to cover their sins with secrecy, or darkness ; or at least to put off the thoughts of God's presence, and stifle the fears of his Power and Justice : But the Perjurer is rude and insolent, is loud and clamorous ;

— — — *Aspice quantà*
Voce neget, quæ sit fidei constantia vultus.

Juvenal. Sat.
13.

He has cas'd his countenance with Impudence and Hypocrisy : He fears neither God nor Man : He swears

with courage, and a *loud* Voice : He stares God in the Face : He calls upon Him to look on, to hearken and be a Witness, how cunningly and securely He can abuse and profane His Name for the Confirmation of a lye ; He challenges God to come forth and engage, and be bound with him, for what He never intends, or will take no care to perform.

Can there be a sin more impudent and heinous than *This* ? Is it possible to reconcile this with so much as the shew, and pretence of Religion ? Can those Men that affront their God, and profane his Name at this rate, perswade themselves, or any Body else, that they have any the lowest degree of *Love*, or *Fear*, or *Trust* in God, or any of the *Christian* graces ? Is it possible for those Men, for *All* their pretences, and noise, to be heartily *Zelous* against *Popery* and *Idolatry* ; who make no scruple of *Perjury* ? It is not, if *S. Austin* tells us true ; *That without all doubt, it is a less sin to swear truly by a false God, than to swear falsely by the True One.* And so makes *Perjury* a more heinous Crime, than *Idolatry* it self.

Epist. 154.
sine ulla dubi-
tatione, minus
malum est per
Deum falsum
jurare veraci-
ter, quam per
Deum verum
fallaciter.

And is it not a madness in us to cry up, and magnifie, and take *Those* for our *Examples* and *Leaders*, and the *Guides* of our Consciences, and Practices, that have forsworn themselves over and over ; that were never *true* to any Government ; that never were, or never will be faithful to *This*. Oh my Soul ! come not thou into their secrets ; Have thou nothing to do with those wicked Men, that will never be oblig'd to speak truth, or perform their promises.

2. Perjury is not only an impious and impudent affront to *God* ; but is also most injurious and mischievous to 1. *Man*, to our Neighbour : And that first in his private capacity, in *All* his concerns of what kind soever, though never so dear unto him : His Life, his Liberty,

Liberty, his Reputation, his Estate are All at the mercy of the Perjurers : and though They lay to his charge *Psal. 35. 11. things, that He knows not, as David speaks ; though They invent and forge groundless accusations, against the most perfect Innocence ; yet if they prove and attest 'em upon Oath, if they call on God to confirm their lying Evidence, There is usually no fence, no shelter against their malice and treachery. We can guard our selves, in most cases, against open violence : We can preserve our Goods from Thieves and Robbers : We may find, generally, some guard and shelter against other injuries ; but Perjury is an Arrow that flieth in darkness ; it is a Surprise, a Stabb : It destroys us by Mining or Ambuscade ; it takes away all our Armour, the Armour of Innocence, in which we trusted : It cuts off our retreat, it leaves us naked, and unable to stand, and defend our selves against its secret violence.*

ΑΥΤΗ ΕΣΤΙΝ Η
ΚΑΚΙΑ ΠΡΟΣ ΤΗΝ
ΜΕΤΗΝ ΚΑΙ ΟΥ-
ΛΑΧΝΗ ΕΞΑΠΟΤ
ΕΣΤΙ ΜΕΝ. Themist.
Orat. 1.

2. Perjury is injurious to Conversation, and Commerce : All our Dealings, and Trade, and Contracts, and Friendships are grounded upon, and managed by the Faith and Assurance, that we give and take of the sincerity of our minds, and purposes, express'd by our words, and in great concerns, confirm'd by our Oaths : This ties and compacts us together, makes us useful, and helpful, and serviceable to each other : This creates, and preserves Love and Kindness, and Mutual Affection, and Endearments, and the Intercourse, and Circulation of good turns and benefits. But if after all this, Men shall assume a liberty to deceive and impose upon their correspondents, to deny their own words, and to break their promises : What must This come to ? How shall any Man know, whom to trust, whom to employ, or whom to speak to ? If this should prevail, all Society must be dissolv'd ; every Man must set up for him-
self.

self, and fall into Mr. Hobbs's state of Nature, and proclaim War against all Mankind beside.

3. But then further : As to Government, and the Consequents of it, Peace, and Order, and just Liberty : There is nothing but Perjury can destroy *it*, and deprive us of *them* : Nothing but Perjury can carry on Faction, and begin a Rebellion : Nothing but the highest Profanation of God's Name, can ruine the Monarchy. All that are entrusted in any Office or Employment, either *Civil, Military, or Sacred*, have given the best assurance to the *Prince*, that a Promise can make, and an Oath can bind ; that *They will bear Faith, and true Allegiance to His Majesty, His Heirs, and Successors, and Him and Them will defend, to the uttermost of their power, against All conspiracies and attempts whatsoever, that shall be made against His, or Their Persons, their Crown and Dignity, &c.* But if These Sacred Bonds must be broken in sunder upon every *Sham*, and hold us no longer, than *some Men* please ; then certainly do we incur the guilt of a most heinous and grievous sin, or rather a mass and heap of horrid Crimes : We not only violate the Laws of God and Man, but also become most treacherous and ungrateful to the *Prince*, that *relies and depends* upon our *fidelity*, that hath oblig'd us All by the general influences of his most gracious and benign Government ; and many of the most *Factionous* and *dangerous tempers* among us, with particular, signal and *undeserved favours*.

If we break our Faith, and renounce our Oaths, then we know, what must be the *Consequence and Effects* of the *Perjury* ; We shall have new Oaths, *Iron shackles*, clap't upon our Consciences : *Wars and Confusions, Sedition and Rebellion* ; and (if these prosper) then the Ruine of the *Monarchy*, and of the *Church*, the *Slavery*
of

of our Country; Tyranny and Arbitrary power exercis'd upon us by the worst of our fellow Subjects; This shall be our Portion, and the due reward of our *Perfidiousness*.

4. And Lastly, Perjury is injurious to *publick justice*: For since an *Oath* is the main ground of All proceedings, in order to decide Controversies, is the *μεγιστή παρ ἀνθρώποις πίστις, πλεονεχία πίστις, μέγιστος ἀντιλογίας πέρας*, The greatest assurance, that a Man can give of the truth of his *Testimony*; the last result, the highest and utmost appeal that we can make; and is the end of all strife, as the *Apostle* speaks; Since Oaths are of constant use in *Judiciary Causes*, whether *Criminal* or *Civil*, and the best means to find out the truth of *Matter of Fact*, to determin of *Right* and *Wrong*, to give every Man his due, to clear the Innocent, and discover the Guilty: It is plain then, that Perjury utterly defeats all these great and useful ends, and makes the *Law* it self, the instrument of injustice. Perjury in the *Witnesses* misguides, and mis-leads the *Court*, destroys Mens rights, countenance and confirms the wrongful claims, and pretensions of *Knaves* and *Forgers*, and lays on groundless accusations on the most honest, and innocent. And Perjury in the *Jury* can fetch off, and rescue the most dangerous Criminals from fair and legal *Tryals*; or acquit the guilty in spite of Evidence: So that if this impudent and mischievous sin, should obtain still for the future, as it hath done for some late years; should gain ground universally, as it hath in some particular places; our Laws would be clearly insignificant, or rather basely perverted: the justice of the Nation obstructed; the innocent destroy'd; and the worst of Men protected, and encourag'd: Our *Terms*, and our *Courts* might be adjourn'd to the great Day of Judgment; and the *Lawyers* become as useless and contemptible as the *Clergy*. That's the Second

Heb. 6. 16.

3. I proceed to the Third, to enquire, what are the *occasions* of, or *temptations* to this sin : And this point is set properly in this place ; that if we look back to the last general, and consider what a great and heinous sin This is, and look forward to the fourth Head ; and observe, what are the *punishments* denounc't against it, by the Laws of God and Man ; we may with just reason be induct, and perswaded to reject the temptations, and cut off the occasions of it. And indeed it is sadly strange, and a matter of wonder, and horror, that Men professing Religion with so much Zeal and noise, that so many Scrupulous, Precise, and True Protestants, falsely so call'd, should make so light, so little or nothing of this great and heavy sin, should swallow Perjuries without strain or chewing ; should have recourse to 'em, frequently, and upon all occasions, as to their Guard and Castle, as to their *Artillery* and Arms of offensive and defensive. It is not presumable, that Men of any honesty or Religion, would make so bold with God, and be so mischievous to Mankind, and human Society, as I have shewn these false-swearers are : And I am confident, that Perjury to a Conscience truly *tender*, would appear ghastly and frightful ; it is not for a *Novice* to pretend to this Hellish accomplishment : A Man must be moulded and modell'd by previous qualification, and dispositions, or perverted and debauch't with erroneous and corrupt Principles ; or at least driv'n and hurried on by powerful examples, or violent passions, or importunate lusts, before he can arrive to this height of impudence and villany.

It need not cost us much trouble or time, to enquire how, and whence it comes to pass, that so many do venture upon this dreadful sin ; for if you consider how many several ways Perjury is committed, and take notice also of those, that are scandalously guilty of it ;
I dare

I dare assure, that you will clearly perceive it to proceed from some one or more of these following particulars.

1. *Atheism* : A denying of God and Providence : This indeed were a plausible and rational account of, a good plea, and excuse for Perjury, if *Atheism* it self were rational : An *Atheist*, should he swear falsely every hour, upon every occasion, would do like an *Atheist*, and act consistently to his Principles : For what should hinder him from complying with our Forms, and Customs of calling God to witness, when it is for his advantage ? He knows of no God to come at his call, to look on, and be a Witness of his words, and the searcher of his heart : He believes no Judgment to come, no future state : The unquenchable Fire, the never-dying Worm are Dreams and Fables, and the inventions of *Priests* and *Politicians* to keep the *People* in awe, according to *His* wise opinion : And therefore he is ever ready to swear, and lye, and promise forward and backward : He makes no scruple to take or break any Oath, because he has no Conscience, no fear of a *Deity*, and consequently, can securely throw off any obligation : And the truth is, if a Man were to set up the Trade of Perjury, and make his fortunes by it ; The readiest way were to begin with *Atheism* ; if he could once conquer that, the other would be an easie and profitable employment, and require no stock, but *that* of impudence and invention : And in that other sort of Perjury, the Trade of Treachery, and Unfaithfulness, and by the help of *That*, setting up for *Faction*, and cutting out work for *Rebellion* : It is easie to observe, That the most *Atheistical* persons are commonly the chief contri-

vers, and the nimblest Crafts-men : These are the Men that maintain *Monarchy* to be no more *jure divino*, than *Religion* it self is ; that know no such thing as *Paternal*, or *Patriarchal* Monarchy ; but seem to hold *Common-wealths* to have been *ab Aeterno*, as well as the *World* ; and product from the *fortuitous concurrence* of *States-men*, as the other from that of *Atoms* : These are the Men that wrangle loudest against the *Prerogative* of their *Prince* ; and magnifie the power of the *People*, the great *Leviathan*. These dispute, and deny the right of *Succeſſion*, and make all concerns, all obligations, whether to God or the Laws, submit and bow to their only God, and great *Idol*, Interest, or Self-preservation.

2. *Lying*, and *Ineaschery*, and *customary Swearing* : These things do qualifie, and dispose a Man to forswear himself upon any convenience, or temptation : Because hereby Men throw off that reverence and respect to Religion, that fear of Gods Power and Justice, which would restrain them : They have made bold with God's Name so often, and by degrees are grown so familiar with Him, by calling upon Him in common Conversation ; that 'tis no great *Strain* to Conscience, if they make some further use of Him in their serious affairs, and in matters of greater moment. By the custom of *Lying* they have got the knack to deceive, betray and abuse their Neighbour or Friend ; and by the custom of vain and wanton *Swearing*, they have learn't to make nothing of an Oath : Put these together, and that is soon done, upon any occasion ; and then comes forth and commences a compleat and accomplish'd *Perjurer*.

To

To this I may add a *readiness*, and *easiness* to take *new* and *contrary* Oaths : This doth both argue and infer a slight esteem of the obligation of our former promises and does certainly engage us in *Perjury*. For when Men find themselves entangled, by different, and contradictory Oaths ; we may presume by their actions, that they thus argue with themselves ; Since we have taken several, and *cross* Oaths ; it is at least in our liberty to be oblig'd by whether we please ; or rather, the last ought to take place and juggle out the former, as being more suitable to our second and best thoughts, and more useful to our present designs. And so *Peccant & jurando & juramentum servando*, they add sin to sin ; they sin both by taking, and by keeping their Oath ; whereas they ought in these circumstances to observe the Rules of the Casuists : *In malis promissis rescinde fidem : in turpi voto, muta decretum ; quod incautè vovisti, non facias : impia est promissio, quæ scelere adimpletur* : Or as Philo directs them, *To abstain from their unjust and mischievous practices, notwithstanding their Oath, and to implore God's pardon for their rash, and sinful swearing ; to discard their false Oath, and adhere to their known duty, and the commands of God ; for to double your guilt, when you may come off, and be eas'd of the half, is a piece of madness and frensie almost incurable, says He.*

In lib. de specialib. Legib.

To these I might add the usual *occasions*, and common *temptations* to this sin : Such are

Poverty and *Necessity* ; *Covetousness*, and *hope of Reward* ; as also *Fear* whether of *Shame* or of *Punishment*, or of *Both* : In some *Ambition* and *Popularity*, a desire, and thirst after honour and greatness. In others, or perhaps in the same, *Revenge* and *Malice* ;

or else *Favour, Affection and Partiality* : Or lastly, *Faction, Sedition and Designs* against the Government. As to *All* which, it may be enough to remark, that when these furious *passions*, and violent *desires* are able to over-Master, and run down the fear of God, and the reverence of an Oath in the hearts of Men ; then is Perjury the most easie and compendious, the most secure, the most proper way to *relieve* their wants, or *satisfie* their *covetous* desires, or to *rid* them of their *fears*, or to *gratifie* their *ambition*, or to *pleasure* their *Friends*, or *dispatch* their *Enemies*, or to *compass* and *compleat* their *Seditious designs*.

And this shall suffice to have spoken to the Third, because I hasten to the Fourth, and Last Head of Discourse.

4. The Punishments of Perjury : and these are severe and dreadful in proportion to the guilt of this great sin. It is a good Rule : *Semper perpendendum est damnum, quod ex perjurio resultat* : Men ought to weigh well the damages and mischievous consequences of their false-witnessing and perfidiousness (not to others only, but) to themselves ; that if Conscience, and the Sense of their duty cannot prevail with them, they may be restrain'd by the fear of suffering. *Reclut. 7. 36.* *member the end* (says a Wise Man) *and Thou shalt never do amiss.* See what will come on't ; see whether Perjury will quit cost, and turn to account ; and then venture upon it ; if you think t'will prove for your advantage.

Severe Judgments are denounc't against this sin by the *Laws* of God and *Man* : God declares, that *He will*

will not hold him guiltless, that taketh His Name in vain, or forswears himself, as our Saviour expounds it. *Matth. 5. 33.* He will not pardon him; He will not leave him unpunish't; He will not hold him just or innocent in the great Day of Judgement. By the Law of Moses a False-witness was to suffer the same thing as a punishment, that he intended to have brought upon his Brother as a mischief. And God declares the severity of his Judgments against this sin by the Prophet Zechariah: The flying Roll was an Emblem of the Curse, that goeth forth over the face of the whole Earth, and shall enter into the House of him, That sweareth falsely by my Name, and it shall remain in the midst of his House, and shall consume it with the Timber thereof, and the Stones thereof; it shall entail a Curse upon his Family, and Estate; as it is commonly expounded. *Ainsworth on Exod. 20. 7. Deut 19. 19. Chap. 5. 3, 4.*

As to the Punishments denounc't against this sin by the Laws of Men; I shall not presume to recount what the Common Law does inflict upon Persons convict of Perjury: But what some Canons of the Church and the Civil Laws define, I shall declare briefly. A Perjurer shall be Ten years Excommunicate, says S. Basil. They that Subborn others to forswear themselves, shall not be received into Communion till the point of death; and those, that are drawn in, shall for ever after be depriv'd of the priviledge of giving in their Testimony in any case, and according to Law, branded with infamy: says the Council of Mascon, Shall never be deem'd worthy to take an Oath; nor to lye in hallowed ground: That is, shall be deny'd Christian Burial, says another. *Can. 64. Tom. 5. p. 97. Can. 17.*

And

And a *Council* in *England*, here in the year One Thousand and Nine, call'd *Concilium Ænhamense*, ranks 'em with *Witches*, *Sorcerers*, *Necromancers*, *egregious Strumpets*, &c. And Decrees thus against 'em: *Tanquam terrâ indignos, è terrâ projicite, ut purior sit deinceps populus*; as unworthy to enjoy the priviledge and benefit of their Native Countrey; Turn them out, and Banish 'em, that the Land may be cleansed, and the rest preserved from the infection. If this good *English Cannon* were now in force; if this course were taken with those, that are notoriously guilty of this Crime; we might have a fair riddance of the perfidious disturbers of our Peace and Government; we might have a just hope to see the rest of our people (who are drawn in by examples, or abused by pretenders) to return to their Wits and their Honesty again, to their former settlement and quiet, to their Callings and proper business; who now spend their time, and trouble their heads about *News* and *Politics*: We might hope to see an end of those jealousies, those Murmurings and clamours, those Factionous and Seditious designs, and Practices, that have put our people into such a fermentation, and *Paroxysm*, so high a fit of *Frensie*, that they are grown frantick, and delirious, do rave and talk idly, and look wildly, and act extravagantly, do mischief to themselves and others, and threat'n to lay violent hands on the Laws, and the Government. But to proceed.

Perjury by the *Civil Law* is punishable by *Banishment* or *Scourging*, and always with *Infamy* beside. But if a Man lost his *Life* by the Perjury, as by *false-witness* in *Capital Cases*, then it was punish'd by *Death*, *Manum perdant perjuri*. Let them lose their hand, says Charles

Charles the Great : the right hand, the same that was laid on the Gospels, at taking the Oath. But whatever the *Laws of Men* define in this case, I am sure, nothing can be so severe, so dreadful, as what we bring upon our selves, and call upon God to inflict upon us, when we swear falsely : For every Oath doth include an *Execration*, or *Curse* upon our selves in case of *Perjury* ; and that, whether the Curse be formally express'd, or only imply'd : For who ever appeals to God, as a Witness of the sincerity of his heart, and the truth of his words, doth thereby also invoke Him, as the Judge, and Avenger of his Perjury, and Perfidiousness, in case he do forswear himself. This would appear more clearly upon the view of several Ancient Forms of Swearing, that have an express Curse annexed to them : Examples whereof may be found in abundance, collected by *Brissotius*, *Filescus*, and others.

Πᾶσι τοῖς
καταδικάζον-
τις τὸν ὅρκον
αὐτοῦ. *Plutarch.*

The usual Form among us that (as it were) binds the Oath, and makes the *Sanction* is This : *So help me God* ; in direct Invocation : Or *So help you God*, in Adjuration : Which contains and implies a most dreadful Imprecation, a horrible *Curse* upon our own Souls, if we Swear falsely ; for we then call upon God, to withdraw his *Help*, his *Grace*, his *Mercy* from us ; we utterly forfeit his favour, and devote our selves to his severest Vengeance. Every Man, that takes an Oath, doth in effect address himself to God, at this rate : As far forth, as I *depose*, or *promise truly* or *faithfully* ; so do Thou *Help* me (O God I beseech Thee) and *blest* me, *protect* and *prosper* me : But if I *Swear falsely*, if I *Testify a lye*, if I *Promise deceitfully*, if I prove *Treacherous* to my word ; then O God, Thou Righteous Judge, Thou God of Vengeance, I disclaim, and renounce

Lib. VIII.
Select. lib. 2.

renounce all *help*, all *hopes* of mercy from Thee : Let Thy *Vengeance* pursue, and haunt me ; Let all the *Judgments* of Thy wrath seize and fall upon me : May it Thou never *help* me, nor incline Thy *mercy* toward me, but *cast me away in Thy displeasure*, and suffer me to *perish* both here and hereafter.

Oh ! What a load must this be to the *Perjurer's* *Conscience* ? What can the *World* afford, that is able to relieve or support a Soul so *desperately* guilty, so *mortally* wounded ? To whom shall he flee for succour, when *God* has forsaken him, and all good Men *abhor* him, and his own *Conscience* doth *gripe* and *tear* him ? And what will it be in the end thereof ? What shall be the fatal Doom of the *Perjur'd*, but *Eternal* ruine, and damnation ? His portion shall be with the *Hypocrite*, and with the *Traytor*, with *Achitophel* and *Judas* : Don't think, because *God* does not lay them sprawling with a *Thunder-bolt*, or strike him over the Face with a flash of *Light'ning*, that therefore he is safe, and shall escape the vengeance of the *Almighty* : No surely ; though *God* doth suspend the Execution, He will one day reckon with, and take account of this wicked and unfaithful Servant : *He will not be merciful to them, that offend thus out of malicious wickedness, but leaves 'em often in an incorrigible estate, and rarely vouchsafes 'em the grace of Repentance, and indeed They deserve no better, says Philo.*

Ἰσως ἂν γίνε-
ται τοῖς ἁμαρ-
τωμένοις, ἀλλὰ μὴν
ἐν δικαιοσύ-
νῃ τοῦ Θεοῦ, οὐδέ-
ως οἶμαι ὅτι
μετανοήσωσιν.
Phil. despecial.
Leg.

If *Their* case then be so dangerous, and almost desperate, is it not sad to observe so many *Thousands* involved in this great guilt, hugging themselves in the possession, and enjoyment of the advantages of their *Perjury*, and never expressing any resentment and

and remorse, for having taken their unlawful and impious *Oaths*, and for having acted by virtue of *them*, the greatest Villanies. What ! though the *Act of Oblivion* hath exempted 'em from the *penalties* of the *Law* ? but can it secure 'em from the *judgments* of God ? That hath *save'd their lives* ; but can it *purge their Consciences*, and *save their Souls* too ? What, though they have (some of them) *renounc't* the obligation, that was for their *advantage* ? That *alone* cannot demonstrate their hearty sorrow and Repentance. Have they *mourn'd*, and *bewail'd*, and *confess'd* their sin ? Have they *begg'd* God's, and the *King's* pardon ? Have they given *satisfaction* to the *Church* for the *scandal* ? Have they made *restitution* of the *Spoil*, the *Plunder*, and the *Rapine*, the *Murther*, and the *Sacriledge* ? Have they given *Security* for their peaceable and *good Behaviour* for the *future* ? I have so much *Charity* to wish it were so, with all my Soul ; but I have not *Faith* to believe it : For do they not retain many of them, their *old Principles* ? Do they not train up their *Pupils* in their *own way*, in their *old Discipline* ? Are they not *practising* over again their *former Methods* ? Are they not ready for a *new Oath*, as bad, or *worse* than the *former* ? Is not the *fatal Composition* prepared ? And are they not *Dieted* and *sitly dispos'd* to take it ? How is it possible to reconcile these things with any shew of Repentance, or pretence of Loyalty ? What milder, and more gentle thought soever, others may have, I know not ; but I declare that I could not administer one drop of comfort from the *promises* of the *Gospel* to a *Perjur'd Soul* ; though he should seem never so sensible of his sin and danger, unless I could prevail with him to *disgorge* the envenom'd *Morsel*, to make *satis-*

faction to the *injur'd* party, if possible, and testify the sincerity of his Repentance by *Restitution*. There is mercy with God for the truly Penitent; but the case of the *Perjurer* is dangerous and difficult; His Repentance must be *severe*, and *very particular*; it will cost him abundance of Tears to wash off so foul a stain; his *Contrition* must be *sharp* and *violent*, in proportion to the guilt and aggravations of *this* sin.

I have done with the parts of the Text: And now if any *Faction*, and *ill-mind'd* Persons shall take upon them to quarrel and clamour at this honest and well-intended Discourse; I will assure 'em, that I shall be so far from being troubled, or discourag'd by their *Censure*, that I shall take it for a kindness, and great commendation; I shall look upon it as an argument of their *Conviction*, and the sense of their *Guilt*; which may prove, by God's grace, the *first step* toward their *late* Repentance. Beside, if they are not *guilty* of Perjury themselves, or *favourers* of them that are, Why are they *concern'd*? Who hath meddled with 'em, or *touch't* 'em? But if they are, it is fit they be *told* of it, to some purpose; that they may be sensible of their guilt and danger, that they may Repent of their sin, and continue no longer in it; that *They may hear, and fear, and do no more presumptuously*.

Deut. 17. 13.

I Conclude with a two-fold Exhortation: The one to those, that may be concern'd either as *Witnesses*, or *Jurors*: The other in general to All that are *faithful* and truly *Loyal* to their Prince.

As

As to the first, I do most earnestly exhort and beseech *Them* to consider the *nature and several kinds*, the *heinousness*, the *occasions* and the *punishments* of this *sin*; and to take especial care so to discharge and behave themselves, as that they may not in *any kind*, upon *any account* incur the guilt of it: To this end I would beg of them, and advise them two things.

1. When they are call'd to take their *Oaths*, to do it with all *reverence*: And

2. To observe, and act according to *them*, with a good Conscience. They are to consider, that an Oath is a *Sacred and Solemn Act of Religion*, and *Divine Worship*; and ought to be perform'd with as much *Devotion, fixedness of Intention, and Fervency*, with as much *Faith and Humility* as any other part of God's Worship. And therefore it were to be wish't, that the Oaths in our *Courts* were administred with more *Leisure* and *Gravity*, with more *State* and *Solemnity*, with more *Emphatical Rites and Ceremonies*, than are commonly used; to strike an awe, and terrour into the minds of our *People*, and make them more *serious* and *attentive*; or at least, that *They* were constantly admonish't to compose themselves into a *Religious temper* of mind, when they come to *Swear*; and also were frequently advis'd to remember the *Tenour* or *Purport* of their *Oaths*. For (I fear) our *People*, especially the meaner sort, are apt to be *amused* and *abased*, when they are call'd into the *Court*, and appear in that *Reverend Assembly*: They cannot easily recollect themselves, and take off their thoughts from the variety of *amazing objects*; or they are *framing* their Evidence into *method*; or *dressing* up their testimony in *fine words*,

and *handsome phrases* : or thinking of any thing sooner, than what they should do.

2. I do advise, and exhort them to *observe their Oaths*, carefully to *speak and act*, according to the tenour and obligation of them : *To set God before their Eyes*, and a *Watch before the door of their Lips*, and to *place his Fear in their hearts* ; To give in their *Testimony*, or their *Verdict*, not out of *Love or Malice*, *Fear or Favour*, or *hope of Reward*, &c. but out of *Conscience* and full *Conviction*, and with a sincere *respect* to truth and justice.

2. To All, that are *Faithful and Loyal* to their Prince,
Ecclesiast. 8. 2. I apply the advice of Solomon : *I counsel you to keep the King's Commandment, and that in regard of the Oath of*
Numb. 30. 2. God. By this your Souls are bound with a Bond, as God speaks: your hearts are knit to your Sovereign in *Faith and Allegiance* : No power on Earth can *dispense* with your Oath ; No *pretence* can *justifie* the breach of your promise, and sworn duty ; You *cannot*, you *must not* go from your word, upon any account whatever.

Let us therefore be as careful to *keep* our Oaths, as the Factious designers are to *break* them. Let us be as zealous and courageous and industrious too, to *support*, and preserve the Government both in *Church and State*, as they are stubbornly bent, and furiously acted to *demolish and destroy* it : While we have good *Laws*, for God's sake, let us *live and act* according to them ; and let them have their *course* upon *All* those, that do *violate, affront, and defie* them : Those that pretend to *complain* of *Arbitrary power*, they, methinks, ought to have *Law* enough, their belly full, that they may complain for something ; if they deserve it.

It

It is recorded of that stiff-neck't, and murmuring people of *Israel*, that *They serv'd the Lord all the days of Joshua, and all the days of the Elders, that liv'd Joshua, who had seen all the great works of the Lord, that he had done for Israel; though the next generation that knew not the Lord, nor the works, that He had done for their Fathers, forsook the Lord, and serv'd Baal and Ashtaroth.* *Judges 11. 7. 10, 11.* Let us then, for God's sake, be as ingenuous, and grateful, at least, as *They* were: Let us that have seen all the great works of the Lord, in his wonderful deliverance from our *Ægyptian* bondage, in the miraculous Restauration of our *Sovereign* and *Religion*: Let us serve the Lord and the King too, all the days of our lives, and not be so foolishly mad, and so desperately wicked, as to relapse, and return to our former *frensy* in this Age. Methinks one *Rebellion* were sufficient for one Generation; and it were too much to be twice chous'd by the same Men, upon the same Pretences, by the same Artifices, and Methods: We were not us'd so kindly by our late Taskmasters, as to be fond and dote upon a second Slavery: The Nobility, the Gentry, the Freeholders in general may remember how much they suffered respectively, in their Honours or Estates, in their Liberties and Properties, by Popular fury, and Military insolence; and therefore ought to look forward too, and consider, what they must expect, if the Faction should prevail, if the Monarchy be destroy'd, if the worst of our fellow Subjects should once more enslave us.

It highly concerns us All therefore, both in Duty and Interest, to continue firmly Loyal to the King, and true to the Monarchy; to keep our old, lawful Oaths, and to abhor all illegal and new ones; to be honest and

and faithful, and peaceable and obedient to the *Government*: It is our Duty, to beg of God to preserve us from *Wicked* and *Deceitful* Men, from the *Perfidious*, and the *Perjur'd*, from *base* Pretenders to *Religion* and *Reformation*, from *false* Friends, and *false* Brethren; to beg of God to preserve our *King* in Peace and safety, the *Monarchy* in its full strength, and just rights, the *Church* in purity, and the *Laws* in vigour and due execution.

And let *All*, that wish well to our *Sion*, say *Amen*.

FINIS.

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